

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LARRY LOAGUE KNOX,

Petitioner,

v.

KENNETH QUINN,

Respondent.

Case No. C07-5330 RJB/KLS

ORDER TO SHOW CAUSE

This matter comes before the Court on Petitioner's filing of a motion to proceed *in forma pauperis*. (Dkt. # 1, 3).

DISCUSSION

The court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). However, the court has broad discretion in denying an application to proceed *in forma pauperis*. *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963), *cert. denied*, 375 U.S. 845 (1963).

Several district courts have ruled that denial of *in forma pauperis* status is not unreasonable when a prisoner is able to pay the initial expenses required to commence a lawsuit. *See Temple v. Ellerthorpe*, 586 F.Supp. 848 (D.R.I. 1984); *Braden v. Estelle*, 428 F.Supp. 595 (S.D.Tex. 1977); *U.S. ex rel. Irons v. Com. of Pa.*, 407 F.Supp. 746 (M.D.Pa. 1976); *Shimabuku v. Britton*, 357 F.Supp. 825 (D.Kan. 1973), *aff'd*, 503 F.2d 38 (10th Cir. 1974); *Ward v. Werner*, 61 F.R.D. 639 (M.D.Pa. 1974).

1 Petitioner's application to proceed *in forma pauperis* indicates that Petitioner has average monthly
2 receipts of \$53.31 and an average spendable balance of \$38.90. (Dkt. # 3). Thus, it would appear that
3 Petitioner has sufficient funds with which to pay the initial \$5.00 filing fee. However, Petitioner also
4 states that he is not presently employed. (*Id.*). If Petitioner is earning wages from any employment as an
5 inmate at the Monroe Correctional Complex, he should provide the Court with this information as this
6 would assist the Court in determining his eligibility for *in forma pauperis* status.

7
8 Accordingly, **IT IS ORDERED:**

- 9 (1) Petitioner shall file an amended application **no later than September 28, 2007**, which
10 includes all earnings, if any, that Petitioner receives from employment as an inmate at the
11 Monroe Correctional Complex.
12 (2) The Clerk is directed to send a copy of this Order to Petitioner.

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14 DATED this 4th day of September, 2007.

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18 Karen L. Strombom
19 United States Magistrate Judge
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